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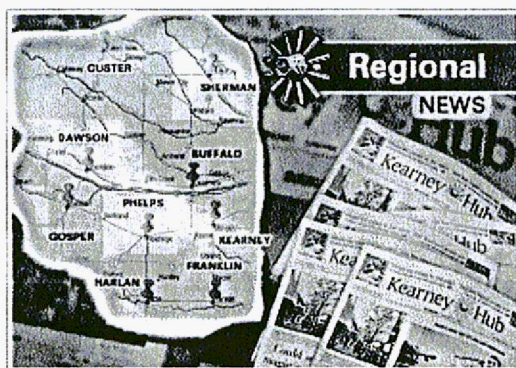
Kansas: Nebraska Rep. River plan not enough

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KEARNEY — Nebraskans haven't cut groundwater use nearly enough to ensure compliance with the 1943 Republican River Compact every year, Kansas' chief engineer said Monday, and that's why Kansas officials are again seeking U.S. Supreme Court action on the issue.

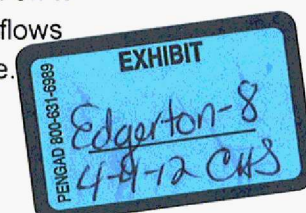


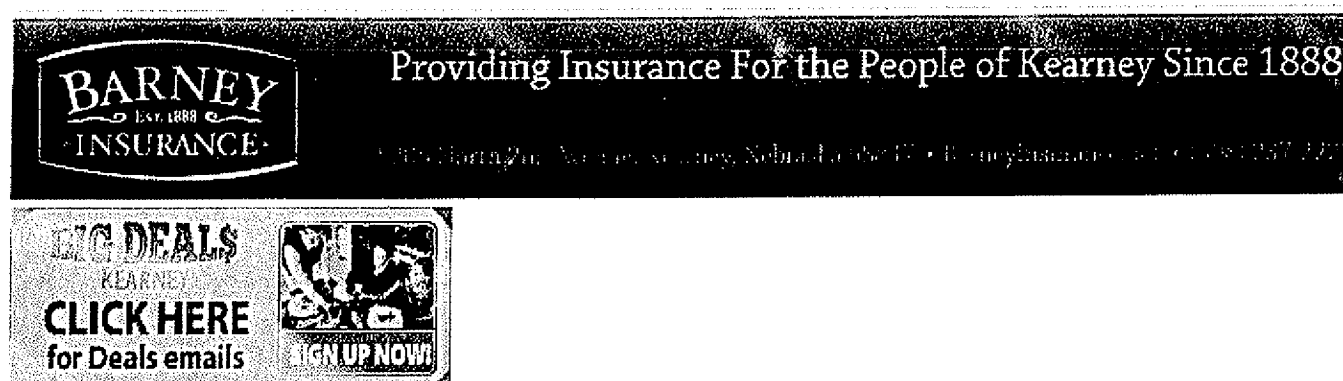
"We don't believe your actions have produced this period (the past two years) of compliance," David Barfield, head of the Kansas Department of Agriculture's Division of Water Resources, said at the annual conference of the Nebraska State Irrigation and Nebraska Water Resources associations.

Instead, Kansas claims compliance was the result of wet weather and lower irrigation demands.

"It's our view that Nebraska is not really recognizing the scope of the problem," Barfield said, explaining that "something close to 40 percent of the wells currently pumping" would have to be turned off to recover losses to baseline streamflows and achieve long-term compliance.

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David Barfield

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The fastest way to do that would be to curtail pumping of wells closest to the river, he said.

Barfield said that for long-term compliance, Nebraska's consumptive use of groundwater should be at 170,000 acre-feet annually. It currently is around 200,000 a-f. "Your depletions are going up," he said, and could grow to 250,000 a-f by 2060.

Barfield said Nebraska used about 80,000 a-f more than the compact allowed in the initial water-short year period, 2005-2006. It was about 110,000 a-f more for the five-year average from 2003-2007.

Kansas officials recognized declines in Republican Basin groundwater levels in the 1970s and restricted development at that time. "If Nebraska had done the same thing, we probably wouldn't be here today," Barfield said.

That action meant groundwater-irrigated acres in Kansas topped out at about 250,000. Nebraska's Republican Basin similar acres have increased to about 1.2 million.

Kansas officials believe the integrated groundwater-surface water management plans written for Nebraska's part of the basin do little more than delay real action

until the next drought. Those water-short years are of the greatest concern, Barfield said, and are the times when the compact must work for Kansas.

He said the Nebraska plans provide no certainty that surface water will be available to purchase from irrigation districts to enhance streamflows in dry years. Any groundwater use cuts will take years to show up as more water in the river.



Earlier Monday, Frenchman-Cambridge Irrigation District Manager Brad Edgerton said, "I see only one issue in the Republican River Basin, and that is declining streamflows. Everything else is just a symptom."

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The five surface water irrigation districts in Nebraska serve 91,230 crop acres, but most have had limited or no water to deliver in recent years because of short water supplies. Edgerton said 2010 was the ninth consecutive year the H&RW district made no deliveries to its 11,915 acres. If that stretches to 15 years, the federal contract will be canceled.

"We're still depleting river flows and making it more difficult to comply with the compact year after year," he said.

As part of Nebraska compliance plans, the irrigation districts face compact-call years based on water supply forecasts each November. Edgerton said low supplies mean the state Department of Natural Resources can halt natural flow and storage permits to divert water for irrigation.

State Sen. Tom Carlson of Holdrege described the successful work done to remove invasive vegetation and debris that choked the river and limited streamflows to Kansas.

The new Republican River Sustainability Task Force will define water sustainability in the basin and recommend plans to achieve it. Carlson said members also will discuss ways to avoid a water-short year designation, based on water supplies in Harlan County Lake, which makes it more difficult for Nebraska to comply with the compact.

"We want to deliver every drop to Kansas that they have coming," he said, pausing, "and not one drop more."

Carlson said spending money now to build more facilities to store water in wet years for use in dry years could "erase the issue of compliance."

"Nebraska has a choice, in my view," Barfield said. "Are you gonna be realistic in dealing with this or let someone else choose your remedy?"

That someone could be the U.S. Supreme Court. The Kansas request in May for review of Nebraska's noncompliance with a Kansas v. Nebraska lawsuit settlement approved by the court in 2003 seeks significant reductions in Nebraska's groundwater pumping, damages, assignment of a river master to oversee Nebraska compliance and sanctions for future violations.

"Kansas is seeking, as we have for three decades now, a way for Nebraska to comply," Barfield said.

Carlson said Nebraska holds a similar upper hand in the North Platte Basin under a court decree giving Nebraska 75 percent of the water. Wyoming officials certainly would like to change that.

In any interstate compact, "the downstream party has the hammer," Carlson said. "Kansas has that."

Barfield agreed. "But picking up that hammer is a very expensive exercise," he said. "It's a very exhausting exercise."

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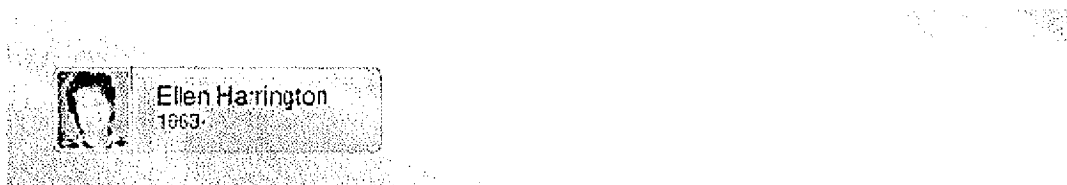
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